



SPONSOR: Rep. B. Short

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 35

AMEND House Bill No. 35 on line 14 by inserting “any facility as defined in § 1131(4) of Title 16,” after “include” and before “physician offices” therein.

FURTHER AMEND House Bill No. 35 by inserting between lines 37 and 38 the following:

“(b) The Division of Public Health shall have the authority to adopt rules and regulations pertaining to the sanitary controls of massage establishments.”

FURTHER AMEND House Bill No. 35 on line 109 through 110 by deleting “Such fees shall approximate and reasonably reflect the costs of administering this chapter.” as it appears therein.

FURTHER AMEND House Bill No. 35 on line 114 by inserting after “time” and before the period the following: “, unless the licensee has sought and received a waiver.”

FURTHER AMEND House Bill No. 35 on line 119 by deleting “or place of sleep.” as it appears therein.

FURTHER AMEND House Bill No. 35 by deleting lines 121 through 125 and inserting in lieu thereof the following:

“(e) The Board shall establish by regulation the permissible operating hours of massage establishments, as well as the mechanisms to apply for a waiver. Services shall be rendered to the public in any massage establishment only during permissible operating hours when the establishment is open and may be inspected by a Division Investigator or law enforcement officer.”

FURTHER AMEND House Bill No. 35 by inserting between lines 125 and 126, the following and redesignating the remaining subsections accordingly:

“(f) All internal and external doors, except restroom doors, shall be kept unlocked during operating hours; provided however, that external doors may be locked if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors. Locking devices are not permitted on any interior doors within the massage establishment, with exception of restroom doors.”

SYNOPSIS

This amendment excludes hospitals and other facilities separately licensed under Title 16 from the definition of "massage establishment." It also removes the requirement that fees for an establishment license must reflect the costs of administering the chapter as fee issues are addressed elsewhere in the chapter. The amendment clarifies that massage clients may fall asleep during a massage or remain asleep during a massage session and maintains the prohibition against using a massage establishment as a dormitory. This amendment also clarifies that massage services are to be provided during permissible operating hours only and restricts the right to inspect a massage establishment to either a Division of Professional Regulation Investigator or a law enforcement officer. The amendment allows a professional-in-charge to be so designated for more than 1 establishment if they seek and receive a waiver. It also states that no interior doors, except restrooms may have locks. Exterior doors may not be locked during operating hours except in the case of a sole proprietorship with 1 or no employees or contractors. It gives the Division of Public Health authority to create rules and regulations pertaining to massage establishments.